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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/814,750
		Filing Date	3/23/2001
		First Named Inventor	Atsushi KASHIOKA
		Group Art Unit	2621
		Examiner Name	Amir Alavi
Total Number of Pages in This Submission		Attorney Docket Number	740250-835

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Donald R. Studebaker, Reg. No. 32,815 Nixon Peabody LLP 401 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	February 11, 2005

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Docket No. 740250-835

Serial No. 09/814,750

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Atsushi KASHIOKA) Group Art Unit: 2621
Serial No. 09/814,750) Examiner: Amir Alavi
Filed: 3/23/2001) Confirmation No. 4223
For: METHOD OF AND APPARATUS FOR) Date: February 11, 2005
IMAGE PROCESSING)

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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
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Sir:

In response to the Office Action dated January 11, 2005, Applicant hereby elects Group 1, claims 1-3 and 5-12 drawn to an image processing method and apparatus including color correction. This election is being made with traverse for the following reasons.

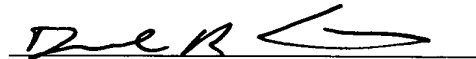
In setting forth the requirement of restriction between Groups I and II, the Examiner states that the inventions are distinct each from the other because the inventions relate as combination subcombination inventions and are thus distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself in other combinations. In the instant case the Examiner notes that the combination as claimed does not require the particulars of the subcombination as claimed because color correction does not necessarily require

segmentation processing and further that the subcombination has separate utilities such as image segmentation using color. While this may be the case, and is most often the case with combination/subcombination inventions, it is respectfully submitted that while the invention of Group I is directed to color correction, the invention of Group II sets forth in claims 4 and 13-17 is directed to color correction in each segment. Consequently, it is clear that the Examiner will, in fact, be forced to examine the color correction techniques set forth in both Groups I and II when examining the present application. Accordingly, it is earnestly solicited that while the inventions may be distinct, the burden on the Examiner is no greater in examining both Groups I and II should the claims of Group I be found to be in condition for allowance.

Therefore, it is respectfully requested that the restriction requirement be reconsidered and withdrawn by the Examiner and that all claims be examined in the present application. Again, should the restriction be maintained for the reasons set forth by the Examiner, Applicant hereby elects Group I, claims 1-3 and 5-12.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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